

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated : Nainital the 11th day of July 2005
Criminal Misc. Bail Application No. 601/2005
Order on the bail application of accused

CRIMINAL SIDE

1. Amit Kumar S/o Shri Diwani Ram
2. Smt. Rani W/o Amit Kumar
(L.G.C. – 10 Great Noida)
Both R/o C-10 L.G. Housing Society
Sector Pai, Greater Noida, U.P. Applicants

Versus

State of Uttaranchal Opposite Party

Arising out of case crime No.3 of 2005
U/s 147, 148, 149, 323, 332, 336, 342, 353, 427, 436 I.P.C.,
Section 4 of Prevention of Damage to Public Property Act and section
7 of Criminal Law Amendment Act
P.S. Patti Aswalseui-1
Tehsil & District Pauri Garhwal

Hon'ble J. C. S. Rawat, J.

Heard Sri Rajendra Singh learned counsel for the applicants and
learned A.G.A. for the State.

Perused the record. The learned counsel for the applicants
contended that the role to cause damage to the public property has not
been assigned to the applicants in the FIR. This is a case of rioting
and the applicant no.2 is a lady. The learned A.G.A. fairly conceded
that the participation of applicants in the offence under section 436
I.P.C. has not been indicated by any of the witness. Considering the
facts and circumstances, it is fit case for bail.

Let the applicants-accused be released on bail on executing a
personal bond each and two sureties each in the like amount to the
satisfaction of the C.J.M. concerned.

Dated 11.07.2005

(J.C.S. Rawat, J.)

LSR